

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JON LEWIS,

Plaintiff,

v.

SYNCHRONY BANK,

Defendant.

No. 2:24-cv-00110-DAD-JDP (PS)

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS

(Doc. Nos. 4, 14, 19)

Plaintiff Jon Lewis, proceeding *pro se*, initiated this civil action on January 9, 2024. (Doc. No. 1.) This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On July 22, 2024, the assigned magistrate judge issued findings and recommendations recommending that defendant's motion to dismiss (Doc. No. 4) be granted and that plaintiff's complaint be dismissed, with leave to amend, due to plaintiff's failure to adequately allege subject matter jurisdiction and failure to state a cognizable claim. (Doc. No. 19.) In particular, the magistrate judge found that despite plaintiff's assertion that this court has diversity jurisdiction, plaintiff's allegations "do not plausibly demonstrate that the amount in dispute exceeds the jurisdiction minimum" of \$75,000. (*Id.* at 5–6.) In addition, the magistrate judge found that plaintiff's allegations, which consisted of "vague and confusing statements of wrongdoing that lack factual support," fail to state a cognizable claim for relief. (*Id.* at 7–8.) The

1 magistrate judge also recommended that plaintiff's pending motion for summary judgment (Doc.  
2 No. 14) be denied as having been rendered moot. (*Id.* at 9.) The findings and recommendations  
3 were served on the parties and contained notice that any objections thereto were to be filed within  
4 fourteen (14) days after service. (*Id.*) On August 5, 2024, plaintiff filed objections to the pending  
5 findings and recommendations, along with a request for judicial notice. (Doc. Nos. 20, 21.) On  
6 August 7, 2024, defendant filed a response thereto. (Doc. No. 23.)

7 In his objections, plaintiff primarily repeats arguments that the magistrate judge already  
8 considered and properly rejected in the pending findings and recommendations. (Doc. No. 21.)  
9 To the extent plaintiff believes that he has additional factual and legal support for his sole breach  
10 of contract claim, he should include those allegations in any first amended complaint he elects to  
11 file in this case. Providing that additional information to the court in his objections to the pending  
12 findings and recommendations is insufficient to cure the pleading deficiencies that the magistrate  
13 judge identified in his original complaint. Further, plaintiff's request for judicial notice (Doc. No.  
14 20) will be denied because that request merely consists of purported statements of law and does  
15 not pertain to any judicially noticeable facts or documents. Finally, in his objections, plaintiff  
16 purports to request declaratory relief. (Doc. No. 21 at 15–18.) The court will disregard plaintiff's  
17 request, however, because it is improperly raised in his objections to the pending findings and  
18 recommendations. In sum, plaintiff's objections provide no basis upon which to reject the  
19 pending findings and recommendations.

20 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a  
21 *de novo* review of the case. Having carefully reviewed the entire file, including plaintiff's  
22 objections and defendant's response thereto, the court concludes that the findings and  
23 recommendations are supported by the record and by proper analysis.

24 Accordingly:

- 25 1. The findings and recommendations issued on July 22, 2024 (Doc. No. 19) are  
26 adopted in full;
- 27 2. Defendant's motion to dismiss (Doc. No. 4) is granted;
- 28 3. Plaintiff's complaint is dismissed, with leave to amend;

4. Within thirty (30) days from the date of this order, plaintiff may file a first amended complaint;

5. Plaintiff is advised that his failure to file a first amended complaint within the time provided may result in the dismissal of this action; and

6. This action is referred back to the assigned magistrate judge for further proceedings.

IT IS SO ORDERED.

Dated: August 9, 2024

Dale A. Drozd  
DALE A. DROZD  
UNITED STATES DISTRICT JUDGE